

From: Parent, Stephanie@ARB [stephanie.parent@arb.ca.gov]
Sent: 5/13/2019 8:21:02 PM
To: Adam Baughman [adam.baughman@edcgov.us]; Yannayon, Laura [Yannayon.Laura@epa.gov]
CC: Sutkus, Carol@ARB [carol.sutkus@arb.ca.gov]
Subject: RE: Federal NSR update

Hi Adam,

I am resending what I emailed on April 3 so you have it handy. It covers public hearings (see the item on Sections 40725 through 40731).

You may already be aware of some of the following information and procedures, but I wanted to include it just in case. Please pay special attention to the legal requirements section.

Once the District's Board has adopted the rule, follow the **procedures for districts to Submit Rules for SIP Submittal to US EPA** located at <https://www.arb.ca.gov/drdb/e-review.htm>.

For the **General Rules Process** (and lists of rules for each district), visit CARB's District Rules Database (DRDB) located at <https://www.arb.ca.gov/drdb/drdb.htm>.

The **SIP Completeness Checklist and Rule Evaluation forms** are located at <https://www.arb.ca.gov/drdb/drdb.htm> (Scroll down to "CARB SIP Forms").

Here are some legal references to keep in mind as the District prepares their documents:

Legal requirements and authority given to districts for rule development:

- California Health and Safety Code (H&SC), Division 26, Air Resources, https://leginfo.legislature.ca.gov/faces/codes_displayexpandedbranch.xhtml?tocCode=HSC&division=26.&title=&part=&chapter=&article= or to purchase a hard copy visit <https://store.lexisnexis.com/categories/shop-by-jurisdiction/california-157> and search for "California Air Pollution Control Laws"

Specific Sections to consult, especially within Chapter 6.5, Regulations of Air Pollution Control and Air Quality Management Boards include:

- Section 40001 (authority for Districts to adopt and enforce rules), https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=HSC§ionNum=40001
- Sections 39601 and 39602, and 41650 through 41652 (authority for CARB to adopt District rules as revisions to the California SIP),
 - 39601 and 39602, https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=HSC&division=26.&title=&part=2.&chapter=3.&article=
 - 41650 through 41652, https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=HSC&division=26.&title=&part=4.&chapter=2.5.&article=
- Sections 40725 through 40731 (Notice of public Hearing, etc.), including Section 40727.2(f) (Statement indicating the appropriate analysis has been prepared),

https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=HSC&division=26.&title=&part=3.&chapter=6.5.&article=

- Sections 42504(a) (General prohibition against the weakening of New Source Review (NSR) stringency) and 42504(b) (Specific prohibitions against the weakening of identified NSR program elements). (Also known as SB 288, Protect California Air Act of 2003),
https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=HSC&division=26.&title=&part=4.&chapter=4.5.&article=
 - CARB Advisory regarding electronic noticing for NSR and Title V Rules to align U.S. Environmental Protection Agency (US EPA) requirements/CARB recommendations, <https://www.arb.ca.gov/enf/advs/advs299.pdf>
- **NOTE:** In addition to any general requirements for District Board actions, please review the H&SC sections specific to your district to see if there are other requirements for action.
- U.S. Code of Federal Regulations
 - 40 CFR 51.102 (Public Hearing requirements for SIP submittals), <https://www.law.cornell.edu/cfr/text/40/51.102>
 - Appendix V of 40 CFR Part 51 (Criteria for Determining the Completeness of Plan Submissions), <https://www.govinfo.gov/content/pkg/CFR-1996-title40-vol1/pdf/CFR-1996-title40-vol1-part51-appV.pdf>

CAPCOA-ARB Protocol historical information, <https://www.arb.ca.gov/drdb/protocol.pdf>

When submitting the rule, please email it to me, Ariel, and Carol at the following email addresses:

- stephanie.parent@arb.ca.gov
- ariel.fideldy@arb.ca.gov
- carol.sutkus@arb.ca.gov

Again, let us know if you have questions.

Steph



Stephanie Parent,
Air Pollution Specialist
Air Quality Planning and Science Division | South Coast Section

CARB-Orators, Toastmasters, www.toastmasters.org

P.O. Box 2815
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The climate change challenge facing us is real. For a list of simple actions you can take to reduce your environmental impact, visit www.CoolCalifornia.org.

From: Adam Baughman <adam.baughman@edcgov.us>
Sent: Monday, May 13, 2019 12:55 PM

To: Yannayon, Laura <Yannayon.Laura@epa.gov>

Cc: Parent, Stephanie@ARB <stephanie.parent@arb.ca.gov>; Sutkus, Carol@ARB <carol.sutkus@arb.ca.gov>

Subject: Re: Federal NSR update

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Will do. Shooting for June 25 then.

Adam Baughman
Sr. Air Quality Engineer
El Dorado County Air Quality Mgmt District
345 Fair Lane, T-1
Placerville, CA, 95667
(530) 621-7571

On Mon, May 13, 2019 at 12:52 PM Yannayon, Laura <Yannayon.Laura@epa.gov> wrote:

Yes. It must be re-noticed, as this is a new action you are taking and submitting for SIP approval.

Laura

From: Adam Baughman <adam.baughman@edcgov.us>

Sent: Monday, May 13, 2019 12:50 PM

To: Yannayon, Laura <Yannayon.Laura@epa.gov>

Cc: Parent, Stephanie@ARB <stephanie.parent@arb.ca.gov>; Sutkus, Carol@ARB
<carol.sutkus@arb.ca.gov>

Subject: Re: Federal NSR update

Thanks Laura,

Yes, we fully noticed it last time with adoption of the new rule. I was hoping to get it on the June 4 agenda since we have a bunch of other items on there, but if I need to renotice for 30-days for the revision, then obviously that can't happen. Was wondering if this revision needed it's own noticing. I will do so to be on the safe side.

Adam Baughman

Sr. Air Quality Engineer

El Dorado County Air Quality Mgmt District

345 Fair Lane, T-1

Placerville, CA, 95667

(530) 621-7571

On Mon, May 13, 2019 at 12:47 PM Yannayon, Laura <Yannayon.Laura@epa.gov> wrote:

Hi Adam,

Generally you must give a 30 day public notice of the fact that the board will consider adoption of the revised rule on a certain date at their board mtg. The notice must ask for any public comments to be submitted in advance or at the board meeting. By allowing the public comments at the board meeting, this fulfills a requirement to hold a public hearing if requested.

I would guess that CARB might have some standard rule adoption language for your newspaper notice to satisfy EPA's rule adoption requirements?

Laura

From: Adam Baughman <adam.baughman@edcgov.us>

Sent: Monday, May 13, 2019 12:21 PM

To: Parent, Stephanie@ARB <stephanie.parent@arb.ca.gov>

Cc: Yannayon, Laura <Yannayon.Laura@epa.gov>; Sutkus, Carol@ARB <carol.sutkus@arb.ca.gov>

Subject: Re: Federal NSR update

Hi All,

I'm ready to take the revised rule to our Board. Do I have to renote this item in the newspaper?

Adam Baughman

Sr. Air Quality Engineer

El Dorado County Air Quality Mgmt District

345 Fair Lane, T-1

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(530) 621-7571

On Mon, Apr 15, 2019 at 12:15 PM Parent, Stephanie@ARB <stephanie.parent@arb.ca.gov> wrote:

Hi Adam,

For the District resolution for the NSR rule, you do not need an additional “Be it further Resolved” statement regarding the withdrawal.

CARB will indicate in the cover letter that we are requesting withdrawal of the current SIP submittal and replacing it with the new submittal.

Sincerely,

Stephanie

Stephanie Parent,

Air Pollution Specialist
Air Quality Planning and Science Division | South Coast Section

P.O. Box 2815
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From: Adam Baughman <adam.baughman@edcgov.us>
Sent: Thursday, April 11, 2019 4:34 PM
To: Yannayon, Laura <Yannayon.Laura@epa.gov>
Cc: Parent, Stephanie@ARB <stephanie.parent@arb.ca.gov>
Subject: Re: Federal NSR update

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Great, thank you both. I'll wait to hear back from you Stephanie on the proper language for the resolution before I send it to our counsel.

Adam Baughman
Sr. Air Quality Engineer
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(530) 621-7571

On Thu, Apr 11, 2019 at 3:27 PM Yannayon, Laura <Yannayon.Laura@epa.gov> wrote:

Hi Adam and Stephanie,

I reviewed Stephanie's edits, especially in Section 9 for PALs. Most of the other District's have IBR'd this section, so I haven't had to review the rule text. I double checked both of the cross-references Stephanie questioned. The first one is correct, the second was not.

Also, as Stephanie noted, the bottom of each page of the rule should include the District's name and rule number (can use acronym). The FR office sometimes questions the completeness of a rule without this type of identification.

Thanks,

Laura

From: Adam Baughman <adam.baughman@edcgov.us>
Sent: Wednesday, April 10, 2019 4:22 PM
To: Parent, Stephanie@ARB <stephanie.parent@arb.ca.gov>
Cc: Fideldy, Ariel@ARB <afideldy@arb.ca.gov>; Clerico, Brian@ARB <Brian.Clerico@arb.ca.gov>; Sutkus, Carol@ARB <carol.sutkus@arb.ca.gov>; Yannayon, Laura <Yannayon.Laura@epa.gov>
Subject: Re: Federal NSR update

Great, thanks so much. I'll wait to hear back from you on the resolution and from Laura on those section references.

Adam Baughman

Sr. Air Quality Engineer

El Dorado County Air Quality Mgmt District

345 Fair Lane, T-1

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(530) 621-7571

On Wed, Apr 10, 2019 at 3:50 PM Parent, Stephanie@ARB <stephanie.parent@arb.ca.gov> wrote:

Hi Adam,

Thank you for reaching out.

Sorry for the delay.

Overall the rule looks good. I have a few suggestions/changes to the rule. I am copying Laura Yannayon so she can double-check that the last two items regarding section numbers are correct. These are based on my notes on my previous review of the model rule language.

In regard to the resolution, I am waiting to hear back from our lawyers regarding whether or not a separate "Be it further resolved" statement is needed.

Thank you.

Sincerely,

Stephanie



Stephanie Parent,

Air Pollution Specialist
Air Quality Planning and Science Division | South Coast Section

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From: Adam Baughman <adam.baughman@edcgov.us>
Sent: Wednesday, April 10, 2019 11:52 AM
To: Parent, Stephanie@ARB <stephanie.parent@arb.ca.gov>
Cc: Fideldy, Ariel@ARB <afideldy@arb.ca.gov>; Clerico, Brian@ARB <Brian.Clerico@arb.ca.gov>; Sutkus, Carol@ARB <carol.sutkus@arb.ca.gov>
Subject: Re: Federal NSR update

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Hi Stephanie,

Do you have any input on the resolution I sent? I want to get it off to our counsel to get the ball rolling. Thanks.

Adam Baughman

Sr. Air Quality Engineer

El Dorado County Air Quality Mgmt District

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Sincerely,

Stephanie



Stephanie Parent,

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